

**REAL ESTATE APPELLATE TRIBUNAL
FOR NCT OF DELHI & UT OF CHANDIGARH
5TH FLOOR, MSO BUILDING
I.P. ESTATE, ITO, NEW DELHI-110 002**

(Suo Moto Case) REAT/0002/2021

Court on its own motion

Vs.

Commissioners of all the Municipal Zones & Anrs.

..... Respondents

Through : (1) Mr. Akhil Mittal, Standing
Counsel North DMC.

(2) Mr. R.K. Kalra, Astt. Law Officer,
SDMC.

(3) Mr. Tushar Sannu, Standing Counsel
with Mr. P.R. Meena, SE,
Shahdra(North), Mr. O.P. Ojha, EE,
Shahdra(South) & Mr. Jagrit Singh,
JE, Shahdra(South), EDMC.

(4) Mr. Ankit Goel, A.L.O., New DMC.

(5) Ms. Meena Vidhani, Dy. Director
(Plg.), DDA, Mr. Manish Verma,
Director (Plg.), DDA, Mr. Hansraj,
Dy. Director, DDA & Mr. Yashpal
Singh, SE, DDA.

(6) Mr. Anil Kumar, ACP with
Mr. Virender, Insp. and
Mr. Ravinder, SI, Delhi Police.

(Suo Moto Case) REAT/0002/2021

CORAM:

**Chairman, Hon'ble Mr. Justice Chander Shekhar
Member (J), Shri Lorren Bamniyal
Member (A), Shri Sheo Pratap Singh**

24.11.2021

ORDER:

Mr. Anil Kumar, ACP appearing on behalf of the Commissioner of Police, Delhi submits that they are in the process of engaging a counsel for this matter and that in the meanwhile they have filed today a short report, naming 27 FIRs registered by them against societies / individuals fraudulently offering the membership of housing projects. The said short report is taken on record.

Ld. Counsel appearing for the parties admit that there are cases which fall within the scope of sub-section (2) of Section 3 of the Real Estate (Regulation and Development) Act, 2016. However, despite the fact of they being covered under the Act, the developers have undertaken the construction of the project without seeking the mandatory registration with the Real Estate Regulatory Authority, thus violating the provisions of the Statute.

In terms of sub-section (2) of Section 3 of the Act, registration of a real estate project is mandatory where the area of land proposed to be developed exceeds five hundred square meters or the number of apartments proposed to be developed exceed eight, inclusive of all phases.

The object of the statute is to redress the grievances, if any, of the buyer against any builder in transactions related to both residential and commercial

projects and to further ensure the timely completion of the projects. There is an obligation under the statute on the developers to post all information on the issues such as project plan, layout, Government approvals, land title status, sub-contractors of the project and completion schedule with the Real Estate Regulatory Authority and provide the same to the consumers also. These objectives of the statute are not meant to be flouted by some unscrupulous people for their own benefit. They must be strictly complied with.

Accordingly, in view of the above, all construction activity in NCT of Delhi, residential as well as commercial, falling within the scope of sub-section (2) of Section 3 of the Real Estate (Regulation and Development) Act, 2016 being undertaken without registration with the Real Estate Regulatory Authority is stayed till the registration of their project with the Real Estate Regulatory Authority. The concerned Commissioner as well as Executive Engineer of each of the Municipal Corporations, DDA and NDMC as also the Commissioner of Police through concerned SHO of the local Police Station of each area shall ensure that with immediate effect no further construction activity falling within the scope of sub-section (2) of Section 3 of the Act is continued in the absence of RERA registration. The concerned field staff shall undertake a survey of each of the properties under construction in their jurisdiction and take necessary steps in terms of this order, take photographs as also the details of the developers.

Further more, it is directed that all municipal authorities granting sanction of the building plans in respect of projects falling within the scope of sub-section (2) of Section 3 of the Act shall grant the sanction, subject to their obtaining registration with the Real Estate Regulatory Authority appointed under the Act.

Each of the respondents shall file a Status Report with respect to the action taken by them in terms of this order within two weeks.

Mr. Anil Kumar, ACP appearing for the Commissioner of Police shall also file a comprehensive status report furnishing details of the FIRs registered in respect of Societies / individuals offering membership of housing projects and fraudulently collecting huge amounts of money from the innocent buyers within the jurisdiction of Delhi. They shall also coordinate with the RERA with respect to complaints received by them other than those where FIRs are already registered.

Re-notify on 22.12.2021.

Order Dasti.

Sd/-
(SHEO PRATAP SINGH)
MEMBER (A)

Sd/-
(LORREN BAMNIYAL)
MEMBER (J)

Sd/-
(JUSTICE CHANDER SHEKHAR)
CHAIRPERSON